

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LUKE RYAN,	)	CASE NO. 3:23-CV-1852
	)	
Petitioner,	)	JUDGE CHARLES E. FLEMING
	)	
vs.	)	MAGISTRATE JUDGE
	)	CARMEN E. HENDERSON
WARDEN JAY FORSHEY,	)	
	)	<b>OPINION AND ORDER ADOPTING</b>
Respondent.	)	<b>MAGISTRATE'S REPORT AND</b>
	)	<b>RECOMMENDATION</b>

On September 25, 2023, Petitioner Luke Ryan (“Petitioner”) filed a Petition for a Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 4). On June 3, 2024, Magistrate Judge Carmen E. Henderson submitted a Report and Recommendation (“R&R”), recommending that the Court deny the Petition in its entirety because all the claims were procedurally defaulted or non-cognizable. (ECF No. 15).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to an R&R within fourteen (14) days after service. The R&R gave the parties notice of the 14-day time limit for filing objections. (ECF No. 15). As of the date of this decision, neither party filed any objections.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of the portions of the R&R to which the parties objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt an R&R without further review. *See Peretz v. US*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42, 149–50 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Henderson’s Report and Recommendation, incorporates it fully herein by reference, and **DENIES** the Petition. The Court

also finds that there is no basis upon which to issue, and will not issue, a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c). The Court certifies that an appeal from this decision could not be taken in good faith.

**IT IS SO ORDERED.**

Date: August 5, 2024



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**CHARLES E. FLEMING**  
**UNITED STATES DISTRICT JUDGE**